

Patent  
Serial No. 10/540,685

Amendment in Reply to Final Office Action of June 27, 2006

REMARKS

The following remarks are being filed in response to the Office Action mailed June 27, 2006, which has been reviewed and carefully considered.

By means of the present amendment, claims 1-8 have been amended. Claims 1-8 remain pending in this application, with claims 1 and 7-8 being the only independent claims.

Reconsideration and allowance of the application in view of the following remarks are respectfully requested.

In the Office Action, claims 1-2 and 5-8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,844,960 (Kowarz) in view of U.S. Patent No. 6,965,467 (Yamamoto) and U.S. Patent No. 6,369,954 (Berge). Further, claim 3 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kowarz, Yamamoto, Berge, and further in view of U.S. Patent No. 6,859,233 (Sasama). Further, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kowarz, Yamamoto, Berge, and further in view of U.S. Patent No. 6,004,442 (Choulga). It is respectfully submitted that claims are patentable over Kowarz, Yamamoto, Berge, Sasama and Choulga for at least the following

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reasons.

Kowarz is directed to a mechanical device with continuously variable displacement. As shown in FIG 8b and recited on column 6, lines 1-5, an elongated ribbon element 23b deforms due to an attractive electrostatic force produced by applying a voltage difference between bottom and top conductive layers 12, 22. As clearly seen from FIG 8b, the deformation of the elongated ribbon element 23b is substantially parallel to the optical axis of the light beams 30, 32, or perpendicular to the plane of the elongated ribbon element 23b.

Berge is directed to a liquid lens having a variably controlled focus consisting of a conducting liquid 13, an immiscible insulating liquid 11, electrodes 16, 17 and chamber 13 as shown in the Abstract. A voltage is applied by said electrodes for controlling the shape of the liquid lens in the chamber. It is clear in Berge that the deformation occurs directly to the lens by the applied voltage from electrodes 16 and 17.

In stark contrast, the present invention as recited in amended independent claim 1, and similarly recited in amended independent claims 7-8, amongst other patentable elements, requires

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(illustrative emphasis provided):

wherein said deformable optical element is configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film by deforming said first electrode or said first surface on which the deformable optical element is mapped substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film.

These features are nowhere taught or suggested in Kowarz or Berge. As stated and agreed with in the previous Amendment, Kowarz teaches deformation in a direction parallel to the optical axis or perpendicular to the plane of the elongated ribbon element 23b. Berge teaches deformation of a lens by applying voltage directly to the liquid. Thus, Kowarz and Berge teaches away from the present invention as recited in independent claims 1 and 7-8, which require a deformable optical element configured to deform substantially along at least one of a direction radial to an optical axis of said deformable optical element and a plane parallel to said polymer film by deforming said first electrode or said first surface on which the deformable optical element is mapped substantially along at least one of a direction radial to an optical axis of said

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deformable optical element and a plane parallel to said polymer film.

Yamamoto, Sasama and Choulga are cited to allegedly show other features and do not remedy the stated deficiencies in Kowarz and Berge.

Accordingly, it is respectfully submitted that independent claims 1 and 7-8 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6 should also be allowed at least based on their dependence from independent claim 1 as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

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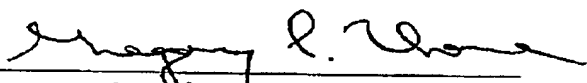
the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment other than those paid by the attached credit card authorization for filing of the Request for Continued Examination (RCE). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By   
Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
August 2, 2006

Enclosures: Request for Continued Examination (RCE)  
Authorization to charge credit card fee for filing  
the RCE

THORNE & HALAJIAN, LLP  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101